



HINCHINBROOK SHIRE COUNCIL

Our Ref: MCU18\0002

27 July 2018

CadCon Surveying & Town Planning
PO Box 5774
Maroochydore QLD 4558

Email: elisew@cadcon.com.au

Attention: Elise Wilton

Dear Madam,

DECISION NOTICE *Planning Act 2016*

In relation to your request for material change of use, Council have assessed your application under the superseded *Hinchinbrook Shire Planning Scheme 2005* and it was determined that the proposal meets the requirements of SELF-ASSESSMENT and does not require any further planning approvals.

APPLICATION DETAILS

Application Number: MCU18\0002
Property ID Number: 100374

Applicant Details: CadCon Surveying & Town Planning for Bretts Plants Pty Ltd
PO Box 5774
Maroochydore QLD 4558

Owner Details: Samuel G Patane, Stephen J Patane and Joel M Patane
PO Box 1164
Ingham QLD 4850

Property Description: 267 Mortons Road, Lannercost, Queensland, 4850
Lot 36 on CWL2785, Parish of Lannercost

Proposal: Material Change of Use –
Intensive Agriculture (Horticulture & associated tunnel-house structures)



Level of Assessment:	Self-Assessment
Assessment Benchmarks:	Rural Zone Code; and Intensive Agriculture Code

DEEMED APPROVAL

The application has not deemed to be approved under s.64 of the *Planning Act 2016*.

CONDITIONS OF APPROVAL

N/A

REFERRAL AGENCIES

N/A

SUBMISSIONS

N/A

INFRASTRUCTURE CHARGES

An adopted infrastructure charges notice will not be issued for this development approval.

PROPERTY NOTES

Not Applicable

FURTHER DEVELOPMENT PERMITS REQUIRED

Not Applicable

RIGHTS OF APPEAL

You may appeal against any matter stated in the Decision Notice. Chapter 6, Part 1 and Part 2 of the *Planning Act 2016* detail appeal rights afforded to the applicant and submitter/s (if any) to the Planning and Environment Court or Building and Development Dispute Resolution Committee. Attached are the relevant provisions of the *Planning Act 2016* relating to the Rights of Appeal.

APPROVAL CURRENCY PERIOD

s.85 of the *Planning Act 2016* indicates when an approval lapses and this section is attached for your information.

APPROVED PLANS & SPECIFICATIONS

In accordance with the *Planning Act 2016*, a copy of the approved plans and specifications (if relevant) are attached.



FURTHER INFORMATION

The development must be carried out in accordance with the approved plans and specifications and the requirements of all relevant laws, and any deviation there from must have the prior approval of the Chief Executive Officer.

This approval does not authorise any building work, any works within Council's Road Reserve (e.g. new/additional accesses, repair/modifications to existing accesses or works to footpaths), or any filling of land permits.

Should you have any questions or seek clarification with regard to any aspect of this notice, I encourage you to contact Council's Development, Planning and Environmental Services on telephone (07) 4776 4609.

Yours sincerely,

Gerhard Visser
Planning & Development Manager

Enclosed: Approved Plans/Documents
 Appeal Rights



NOTICE ABOUT DECISION – STATEMENT OF REASONS

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

This Notice is prepared in accordance with s.63(5) and s.83(7) of the *Planning Act 2016* to inform the public about a decision that has been made in relation to a development application. The purpose of the Notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:

- the relevant parts of the Planning Scheme and Assessment Benchmarks against which the application was assessed; and
- any other information, documents or other material Council was either required to, or able to, consider in its assessment.

All terms used in this Notice have the meanings given them in the *Planning Act 2016*.

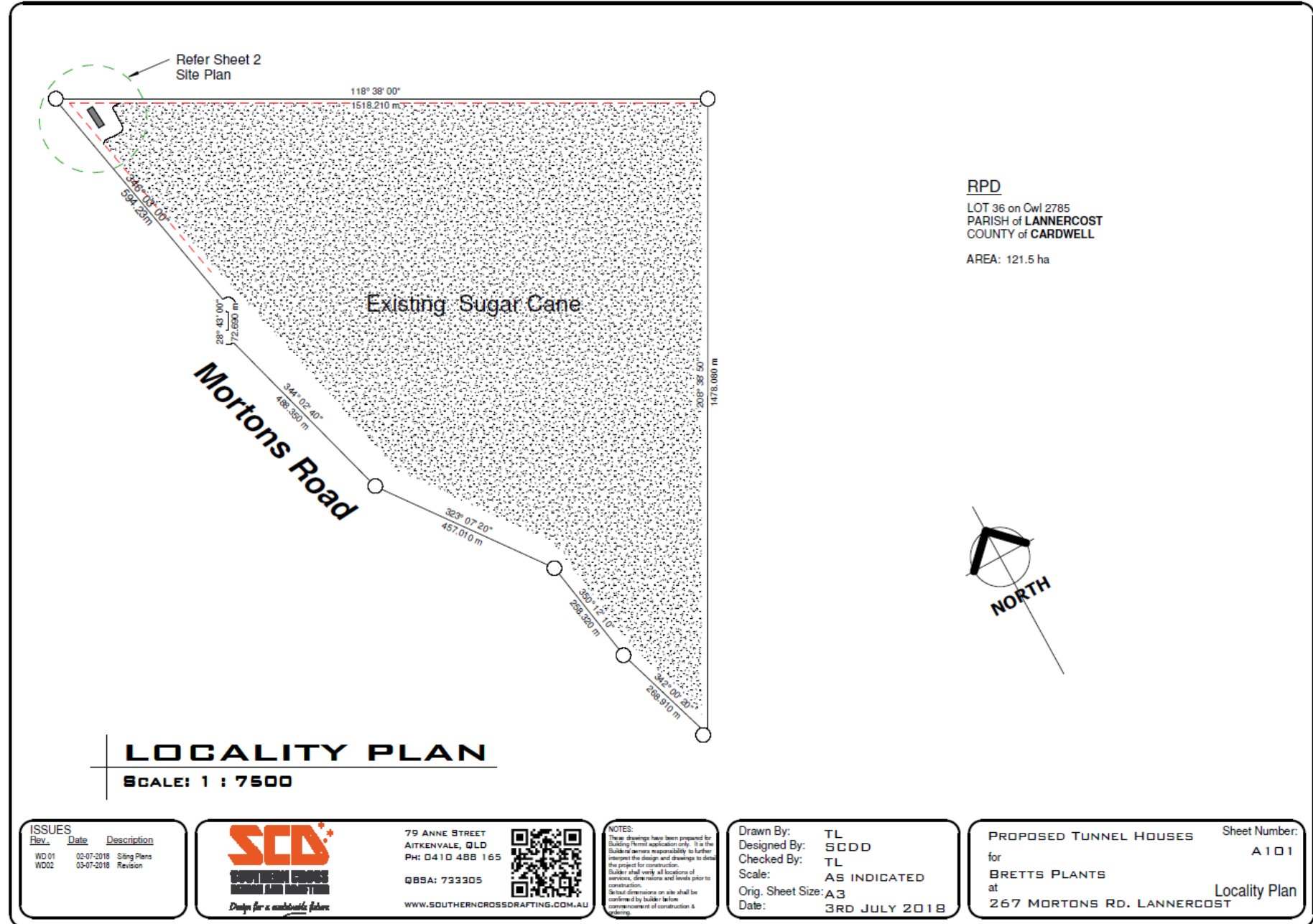
REASONS FOR THE DECISION

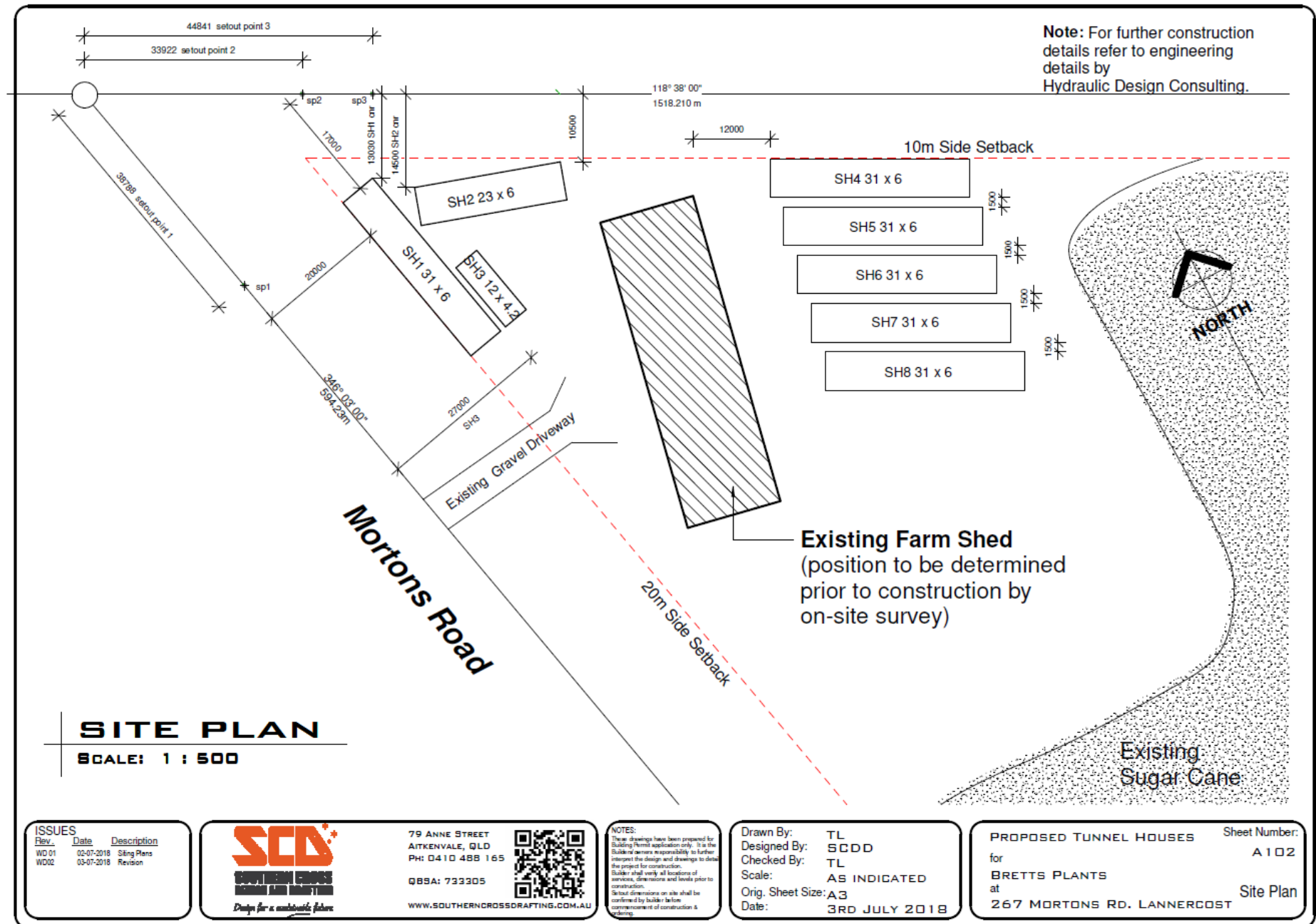
Council consider the proposal to meet the requirements and acceptable solutions listed within the superseded *Hinchinbrook Shire Planning Scheme 2005* for self-assessable intensive agriculture on rural zoned land.

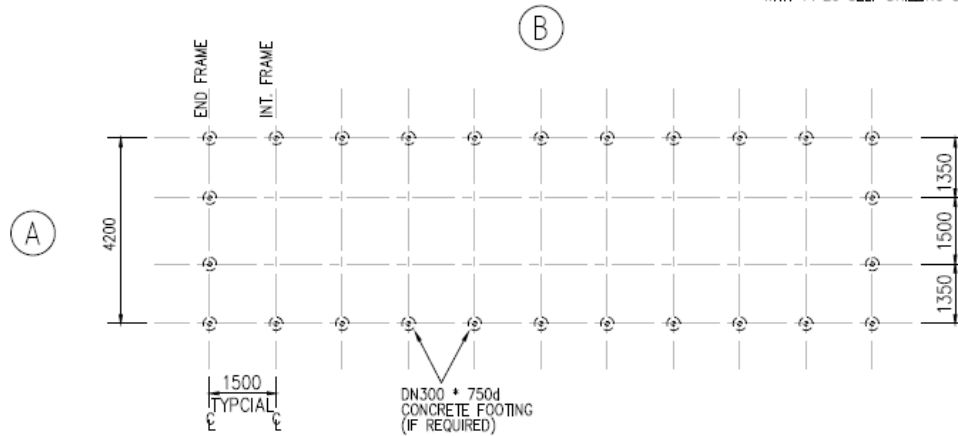
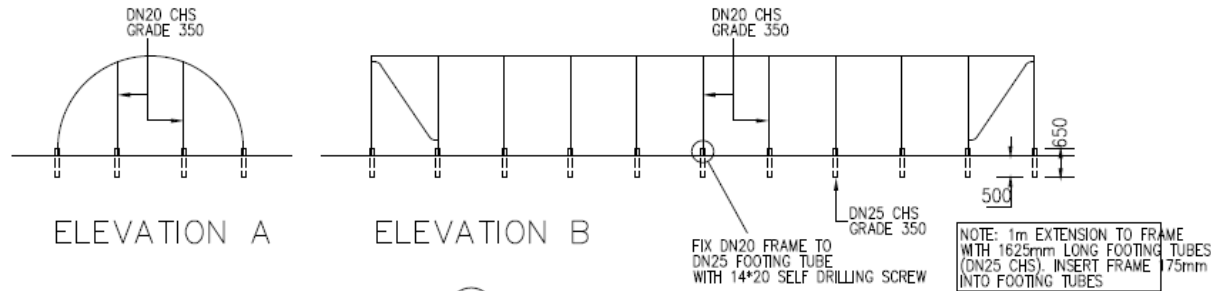
No further planning approvals are required for the proposed development.



APPROVED PLANS/DOCUMENTS





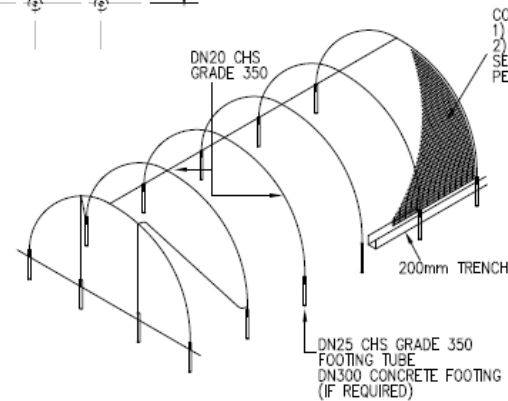


FRAMING PLAN

4.2m BUILDING

GENERAL INSTALLATION

- 1) SET OUT POSITION FOR FOOTING TUBES ACCORDING TO DIAGRAM, USING EQUAL DIAGONAL METHOD TO ENSURE LAYOUT IS SQUARE.
- 2) PLACE CORNER FOOTING TUBES INTO GROUND, APPROX. 500mm (STD.) OR 525mm (1m EXT.), ENSURING THE TWO SIDES & ENDS ARE PARALLEL.
- 3) PLACE REMAINDER OF FOOTING TUBES, ENSURING TOPS ARE OF SIMILAR HEIGHT.
- 4) EXCAVATE TRENCH AROUND PERIMETER APPROX. 200mm IN DEPTH.
- 5) ERECT HOOPS IN FOOTING TUBES, INSERTING 175mm INTO FOOTING TUBES AND SECURE WITH SELF DRILLING SCREWS ON INSIDE OF TUBE.
- 6) INSTALL RIDGE BARS THROUGH CENTRE OF RIDGE USING TEE & CROSS CLAMPS.
- 7) POSITION DOOR POSTS IN FOOTING TUBES AND CLAMP TO FRAME AT TOP WITH TEE CLAMP. ENSURE DOOR POSTS ARE VERTICAL! SECURE TO FOOTING TUBE WITH SELF DRILLING SCREWS.
- 8) INSTALL "Z" BRACING USING TEE CLAMPS, BY PUTTING ONE END 150mm ABOVE FOOTING TUBE, AND THE OTHER END AT END FRAME.
- 9) COVER FRAMEWORK WITH LAGGING TAPE (OPTIONAL).
- 10) PLACE COVER OVER FRAME AND BURY FLAPS IN PERIMETER TRENCHES.
- 11) CONCRETE TO FRAME FOOTINGS ARE RECOMMENDED FOR ENSURING STABILITY AND TIE-DOWN IN REGULATED W41N AREAS.



COVER TO BE :

- 1) SELECTED SHADE CLOTH
- 2) WATERPROOF HORTICULTURAL FABRIC, SECURE BY PLACING EDGE INTO PERIMETER TRENCH AND BACKFILLED

4.2m WIDE BUILDING
PROPOSED TUNNEL-HOUSE

at

for PROTECTAGRO

APPROVED	DESIGNED	R.K.S.
	DRAWN	J.M.
SCALE 1:100	DRAWING NO.	250995.A
SHEET 1 OF SHEETS		

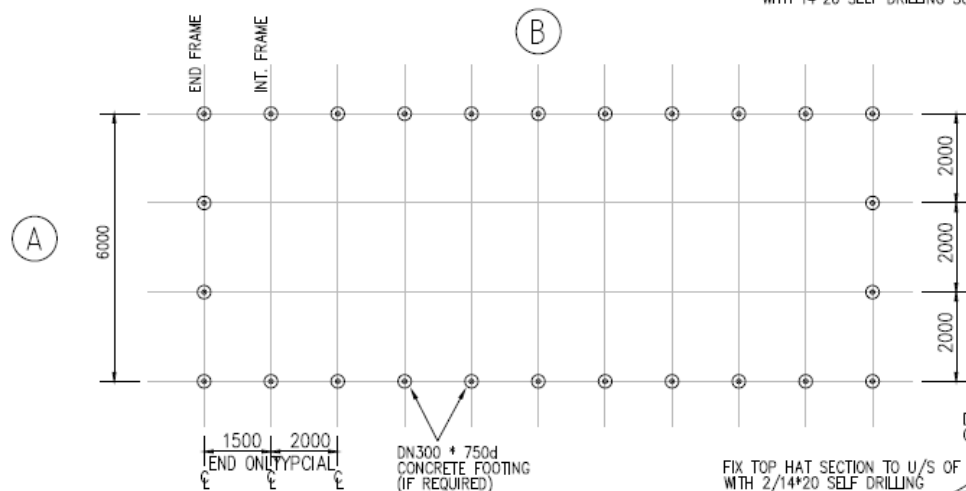
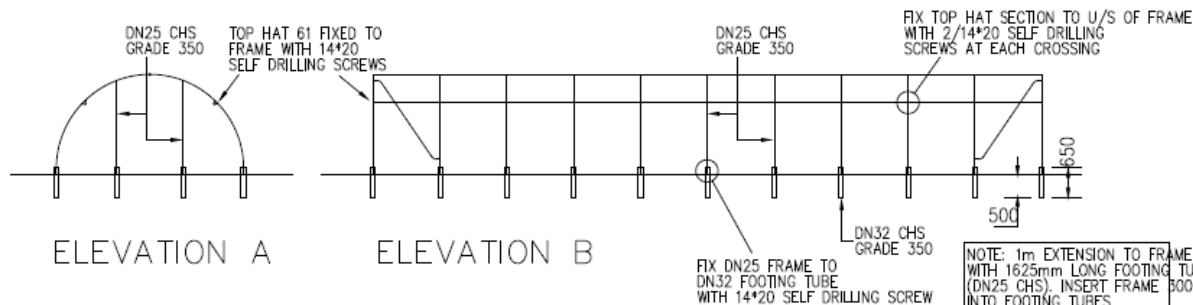
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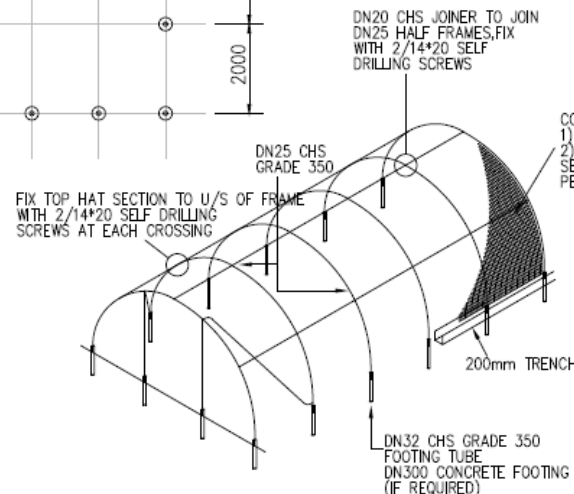
ASSOCIATED CONSULTANTS

ROY K SAINT
MIEAust CPEng
Chartered Professional Engineer
Membership No. 29986
R.P.E.Q. No. 1476

HYDRAULIC DESIGN CONSULTANTS PTY. LTD.
CONSULTING ENGINEERS
1 STANLEY STREET
NAMBOUR QLD. 4560
PHONE: (074) 41 2233
FAX: (074) 41 3523



FRAMING PLAN
6m BUILDING



COVER TO BE:
1) SELECTED SHADE CLOTH
2) WATERPROOF HORTICULTURAL FABRIC,
SECURE BY PLACING EDGE INTO
PERIMETER TRENCH AND BACKFILLED

GENERAL INSTALLATION

- 1) SET OUT POSITION FOR FOOTING TUBES ACCORDING TO DIAGRAM, USING EQUAL DIAGONAL METHOD TO ENSURE LAYOUT IS SQUARE.
- 2) PLACE CORNER FOOTING TUBES INTO GROUND APPROX. 500mm (STD) OR 525mm (1m EXT.), ENSURING THE TWO SIDES & ENDS ARE PARALLEL.
- 3) PLACE REMAINDER OF FOOTING TUBES, ENSURING TOPS ARE OF SIMILAR HEIGHT.
- 4) EXCAVATE TRENCH AROUND PERIMETER APPROX. 200mm IN DEPTH.
- 5) LAY TWO HOOPS ON A FLAT SURFACE, JOIN ENDS WITH A SHORT PIPE INSERT, SECURE WITH SELF DRILLING SCREWS ON INSIDE OF HOOP APPROX. 40mm FROM JOIN. REPEAT UNTIL ALL HOOPS ARE ASSEMBLED.
- 6) ERECT HOOPS IN FOOTING TUBES, INSERTING 300mm INTO FOOTING TUBES AND SECURE WITH SELF DRILLING SCREWS ON INSIDE OF TUBE.
- 7) INSTALL RIDGE BARS THROUGH CENTRE OF RIDGE USING TEE & CROSS CLAMPS, THE TWO END BARS ARE SHORTER.
- 8) INSTALL SIDE PURLINS ONTO HOOPS WITH TWO SELF DRILLING SCREWS AT EACH HOOP, ALWAYS JOIN LENGTHS BY OVER LAPPING OVER A HOOP POSITION 2m ABOVE TOP OF FOOTING (STD TUNNEL) OR 1.5m ABOVE FOOTING (1m EXT.), ENSURE END OF PURLINS DO NOT PROTRUDE PAST END OF TUNNEL.
- 9) POSITION DOOR POSTS IN FOOTING TUBES AND CLAMP TO FRAME AT TOP WITH TEE CLAMP, ENSURE DOOR POSTS ARE VERTICAL! SECURE TO FOOTING TUBE WITH SELF DRILLING SCREWS.
- 10) INSTALL "Z" BRACING USING TEE CLAMPS, BY PUTTING ONE END 150mm ABOVE FOOTING TUBE, AND THE OTHER END AT END FRAME.
- 11) COVER FRAMEWORK WITH LAGGING TAPE (OPTIONAL).
- 12) PLACE COVER OVER FRAME AND BURY FLAPS IN PERIMETER TRENCHES.
- 13) IT IS ADVISABLE TO PLACE SOME SIMPLE PROTECTION (E.G. SHADE CLOTH, HESIAN, LAGGING) OVER ENDS OF SIDE PURLINS TO PROTECT COVER.
- 14) CONCRETE TO FRAME FOOTINGS ARE RECOMMENDED FOR ENSURING STABILITY AND TIE-DOWN IN REGULATED W41N AREAS.

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6m WIDE BUILDING
PROPOSED TUNNEL-HOUSE

at

for PROTECTAGRO

APPROVED
DESIGNED R.K.S.
DRAWN J.M.
DRAWING NO.
250995.B

SCALE 1:100
SHEET 1 OF SHEETS

APPEAL RIGHTS

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the Planning Act 2016 states –
 - (a) Matters that may be appealed to –
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) The person-
 - (i) who may appeal a matter (**the appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to Schedule 1 of the Planning Act 2016)

- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is –
 - (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note –

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund-
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
 - (d) for and appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court – the chief executive; and
 - (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.
- (4) The **service period** is –
 - (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
 - (b) otherwise – 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.



231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the Judicial Review Act 1991 in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –
decision includes-
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or failure to make a decision; and
 - (d) a purported decision ; and
 - (e) a deemed refusal.*non-appealable*, for a decision or matter, means the decision or matter-
 - (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.

